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10/634,456	08/05/2003	Joe Quint	2360/SPRI.105623	6721
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SPRINT COMMUNICATIONS COMPANY L.P. 6391 SPRINT PARKWAY KSOPHT0101-Z2100 OVERLAND PARK, KS 66251-2100			EXAMINER	
			PHAM, HUNG Q	
			ART UNIT	PAPER NUMBER
			2168	
			MAIL DATE	DELIVERY MODE
			06/05/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/634,456	QUINT, JOE
	Examiner	Art Unit
	HUNG Q. PHAM	2168

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 09 March 2007.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-18 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-18 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Response to Arguments

Claim Objections

The objection of claim 18 has been withdrawn in view of the amendment.

Claim Rejections - 35 USC § 112

Applicant's arguments with respect to the rejection of claim 1 under 35 U.S.C. § 112, first paragraph, have been fully considered and are persuasive. The rejection of claim 1 has been withdrawn.

The rejection of claims 1, 3 and 18 under 35 U.S.C. § 112, second paragraph, has been withdrawn in view of the amendment.

Claim Rejections - 35 USC § 101

• Applicant's arguments with respect to the rejection of claims 1-8 under 35 U.S.C. § 101 have been fully considered but they are not persuasive.

Claims 1-8 direct to *one or more tangible computer-readable media* that stores computer-usable instruction. The claimed limitation *tangible computer-readable media* as defined in the specification, paragraph 0022, comprises "computer-storage media" and "communication media". As defined in the amended paragraph 0024, "communication media" include any information-delivery media. The description of paragraph 0024 has provided evidence that applicant intends the medium to include signals, e.g., media to deliver information, as such the claim is drawn to a form of energy. Energy is not one of the four categories of invention and therefore claims 1-8 are not statutory. Energy is not a series of steps or acts and thus is not a process. Energy is not

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a physical article or object and as such is not a machine or manufacture. Energy is not a combination of substances and therefore is not a composition of matter.

- Applicant's arguments with respect to the rejection of claims 15-17 under 35 U.S.C. § 101 have been fully considered but they are not persuasive. The "computer system" as recited in claims 15-17 is recognized as a machine. However, the recited machine, e.g., "computer system", comprises software per se. Software per se is not one of the four categories of invention. Software per se is not a series of steps or acts and thus is not a process. Software per se is not a physical article or object and as such is not a machine or manufacture. Software per se is not a combination of substances and therefore is not a composition of matter. Therefore claims 15-17 are not statutory.

Claim Rejections - 35 USC § 102 and 103

Applicant's arguments with respect to the rejection of claims 1-18 under 35 U.S.C. § 102 and 103 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brady Worldwide (hereinafter referred to as Brady) [LabelMark Labeling Software] in view of Applicant Admitted Prior Art (Specification, Pages 1-2) and Microsoft Excel 2000.

Regarding claims 1 and 9, Brady teaches a computer program for performing *a method of printing label records on a printing device* (Brady, Page 1). The method comprising:

receiving search criteria for one or more label records, wherein said label records were previously stored in a storage component (Label record were previously stored in a database as disclosed by Brady at page 86, by using filters as illustrated at pages 89-90 search criteria for one or more label records from a selected database is received);

automatically, identifying one or more records in said storage component corresponding to the search criteria (Brady, Page 90);

generating a label file for the one or more records (Page 90, the query results is imported into a Label File);

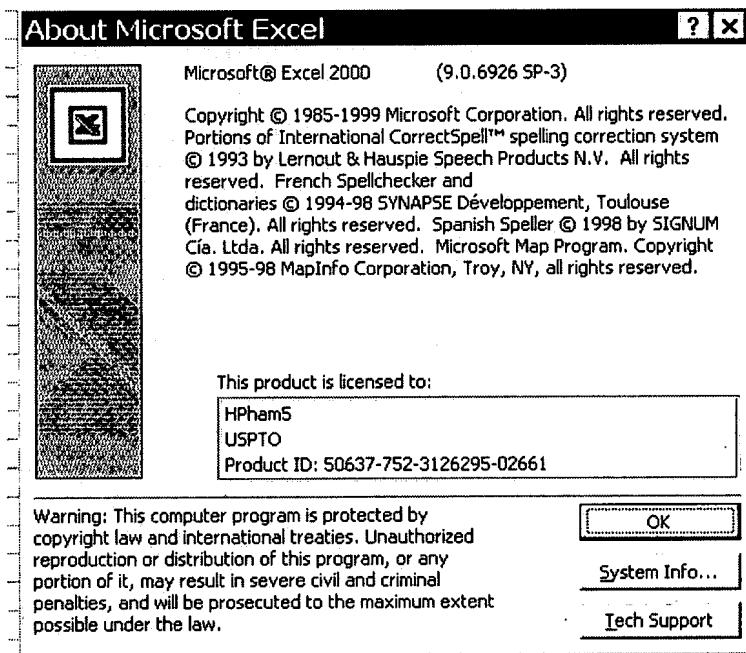
automatically, providing a data stream that when rendered by the printing device produces printed label records (As illustrated at pages 75 and 76, when printed by the printing device, the Label File contains the query result is printed out and printed label records are produced) and *wherein the printed label record display content of the identified records in a prescribed format* (Page 89, the content of the identified records, e.g., "Zone 1", "A", "101" are displayed in a predetermined format, which was defined as in pages 54-55).

The difference between the claimed invention and Brady is data of label records. Brady does not explicitly teach the data of label records is *cable* data and the claimed limitation *cable-label records were validated to remove processing errors when stored, wherein a feedback is offered upon recognizing the processing errors*.

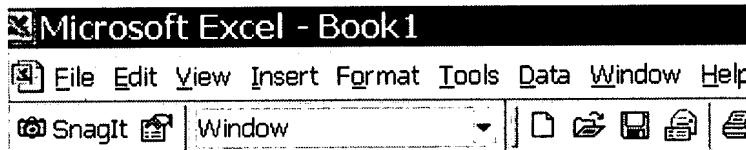
However, as taught by Brady, labels can be created from a variety of industrial application (Brady, Page 1), and database file, e.g., delimited ASCII text file or CSV and Excel file, can be imported from various application and created by separate program (Brady, Pages 83 and 86).

As admitted by applicant in the BACKGROUND OF THE INVENTION, cable data for labeling has been used in telecommunication industry (Specification, Pages 1 and 2).

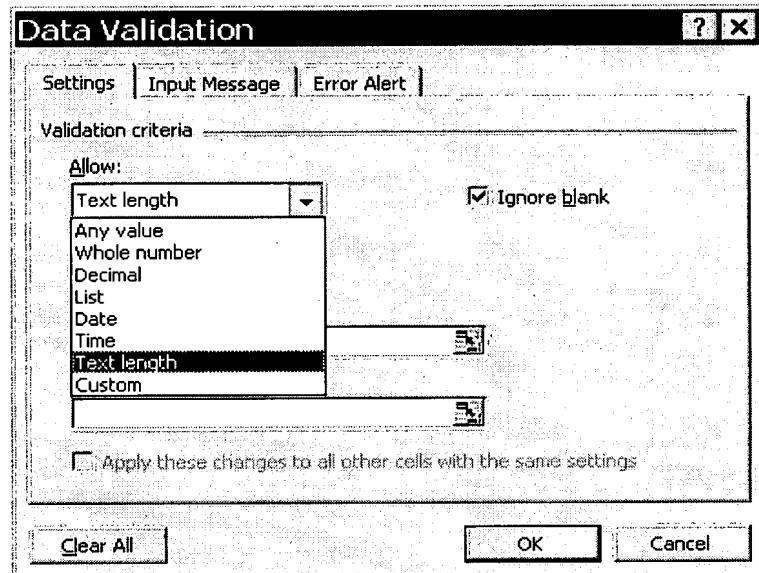
By using Microsoft Excel 2000, label records in CSV or Excel format can be validated to remove errors associated with the information, wherein feedback in the form of alert is offered upon recognizing the errors by selecting "VALIDATION" under "DATA" in the toolbar and defining data constraints.



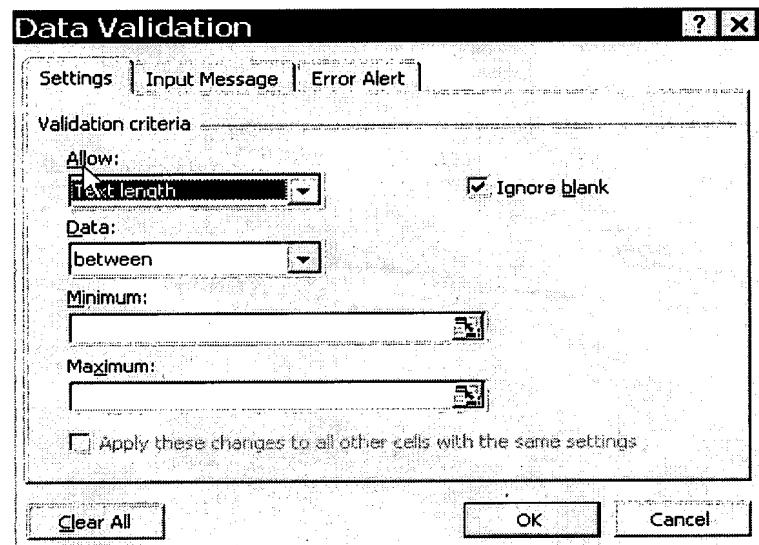
Screen shot 1



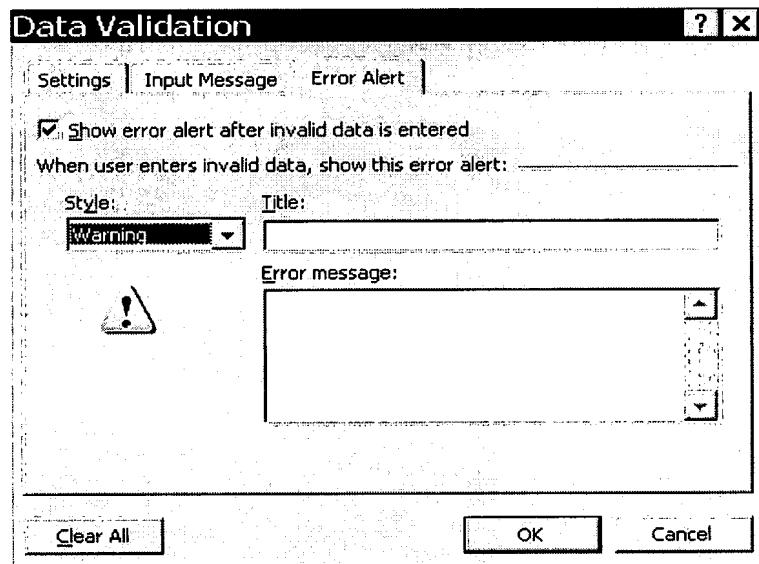
Screen shot 2



Screen shot 3



Screen shot 4



Screen shot 5

It would have been obvious for one of ordinary skill in the art at the time the invention was made to use the Microsoft Excel 2000 for generating and validating cable data in order to generate an alert when cable data is too large to fit within the size of a label.

Regarding claim 15, Brady teaches *a computer system for printing label records on a printing device* (Col. 13, Lines 15-29). The system comprising:

a user interface operationally coupled to a storage component for receiving a search string to query the storage component for one or more records (Label record were previously stored in a database as disclosed by Brady at page 86, by using filters as illustrated at pages 89-90 search criteria for one or more label records from a selected database is received);

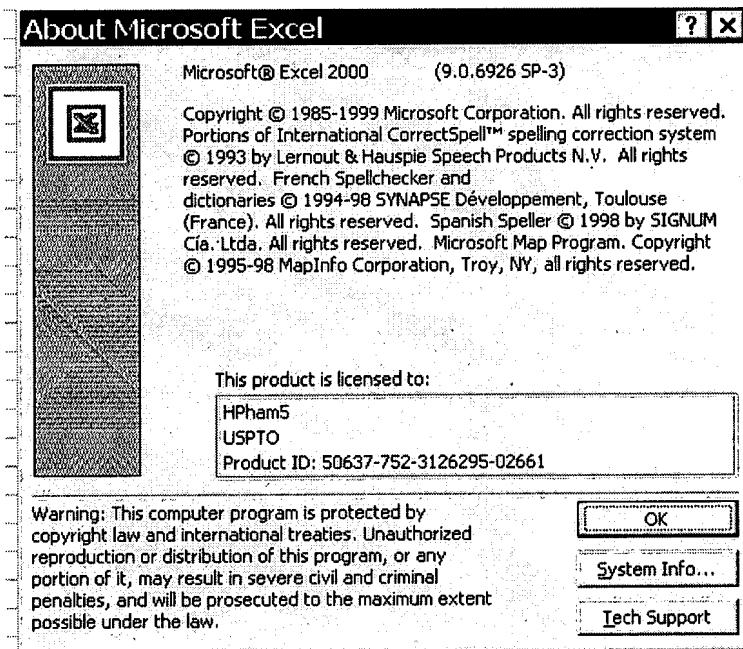
a cable-label records controller that receives the query result and converts the result into a prescribed format (Page 89, the *query result*, e.g., "Zone 1", "A", "101" are received and converted into a predetermined format, which was defined as in pages 54-55) *whereby the query result can be rendered on a printing device* (As illustrated at page 75, the label file can be executed by the printing device).

The difference between the claimed invention and Brady is data of label records. Brady does not explicitly teach the data of label records is *cable* data and the claimed limitation *validating one or more records to remove processing errors when the one or more records are stored, wherein a feedback is offered upon recognizing the processing errors.*

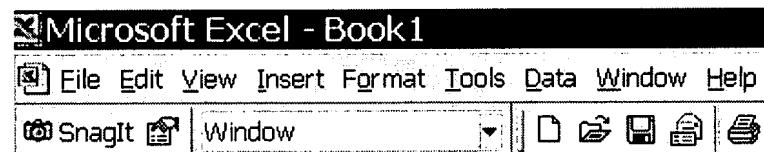
However, as taught by Brady, labels can be created from a variety of industrial application (Brady, Page 1), and database file, e.g., delimited ASCII text file or CSV and Excel file, can be imported from various application and created by separate program (Brady, Pages 83 and 86).

As admitted by applicant in the BACKGROUND OF THE INVENTION, cable data for labeling has been used in telecommunication industry (Specification, Pages 1 and 2).

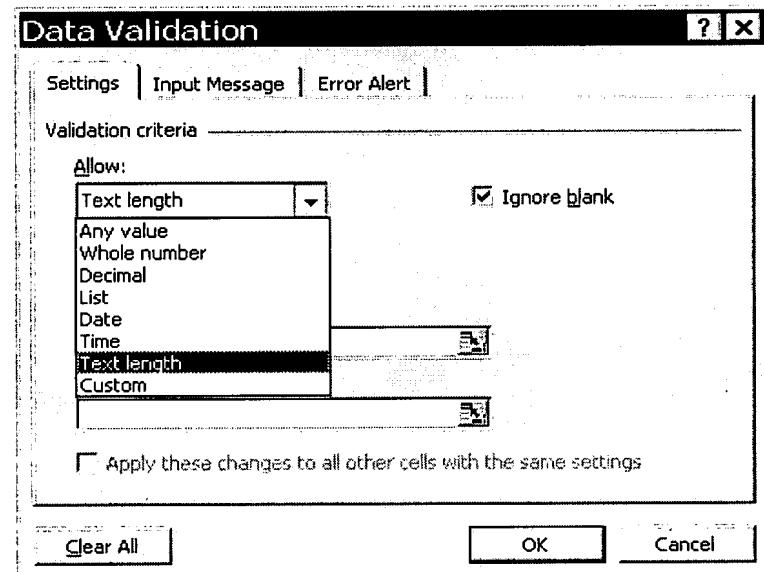
By using Microsoft Excel 2000, label records in CSV or Excel format can be validated to remove errors associated with the information, wherein feedback in the form of alert is offered upon recognizing the errors by selecting "VALIDATION" under "DATA" in the toolbar and defining data constraints.



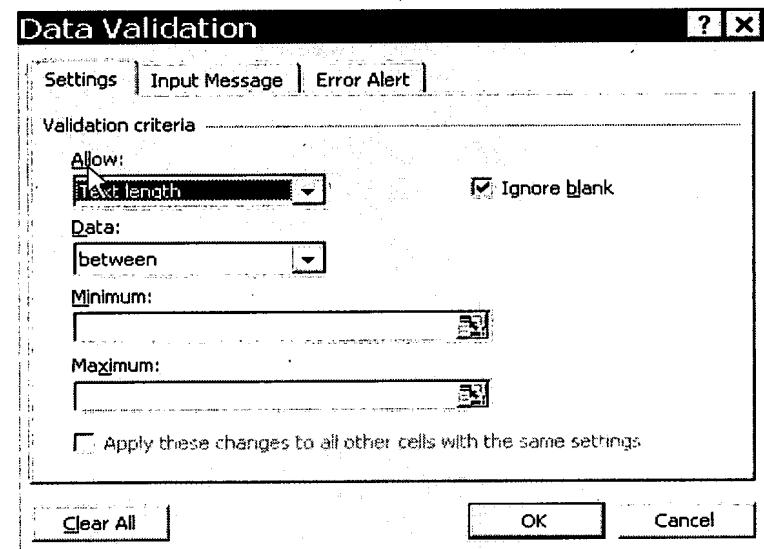
Screen shot 1



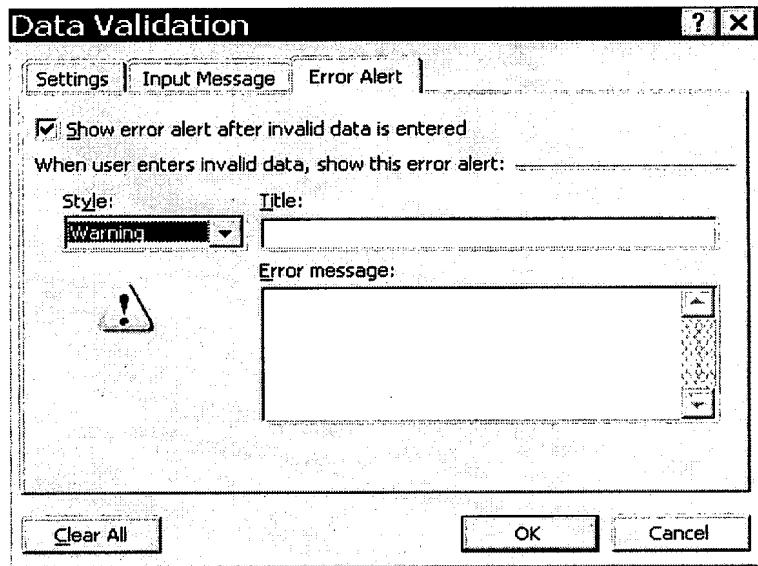
Screen shot 2



Screen shot 3



Screen shot 4



Screen shot 5

It would have been obvious for one of ordinary skill in the art at the time the invention was made to use the Microsoft Excel 2000 for generating and validating cable data in order to generate an alert when cable data is too large to fit within the size of a label.

Regarding claim 18, Brady teaches *a method of creating cable-label records record*, comprising: *storing a set of data related to an information in one or more computer-readable media* (Brady, Pages 83, 86 and 87, a set of data in CSV or Excel format is stored C drive for importing into Label File);

generating a label records record in a structured format from the set of data (Page 89, the Label File in a structured format as *label records record in a structured format* is created from the set of imported data); and

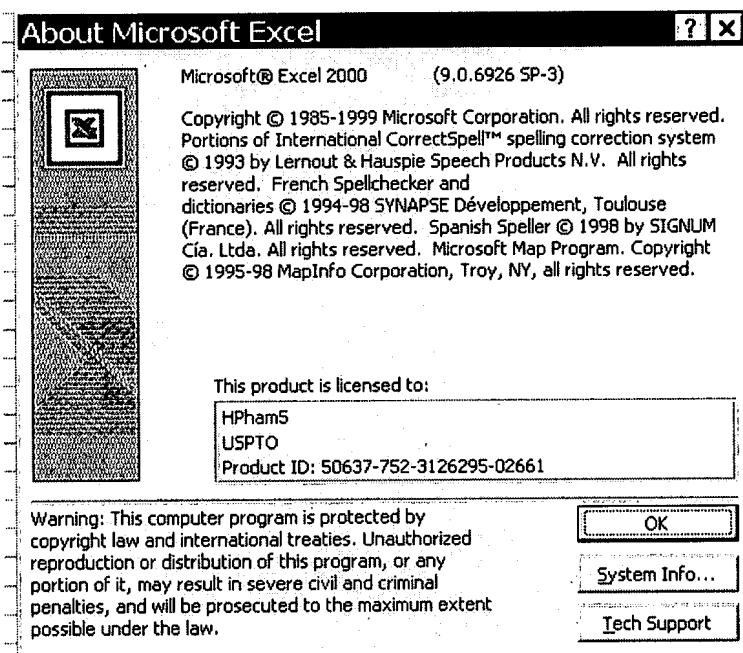
storing the label records record in one or more computer-readable media for subsequent recall (Pages 11, 17 and 75, the Label File is stored C drive for subsequent recall, e.g., printing out).

The missing of Brady is the step of *validating the set of data to remove errors associated with the information, wherein feedback is offered upon recognizing the errors*, and the information related to a cable.

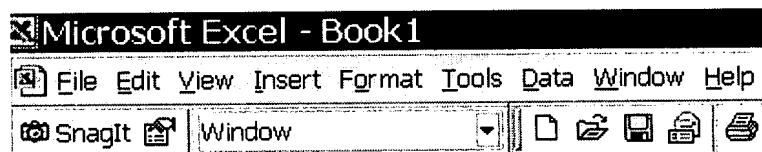
As suggested by Brady, labels can be created from a variety of industrial application (Brady, Page 1), and delimited ASCII text file or CSV and Excel file is created by separate program.

As admitted by applicant in the BACKGROUND OF THE INVENTION, cable data for labeling has been used in telecommunication industry (Specification, Pages 1 and 2).

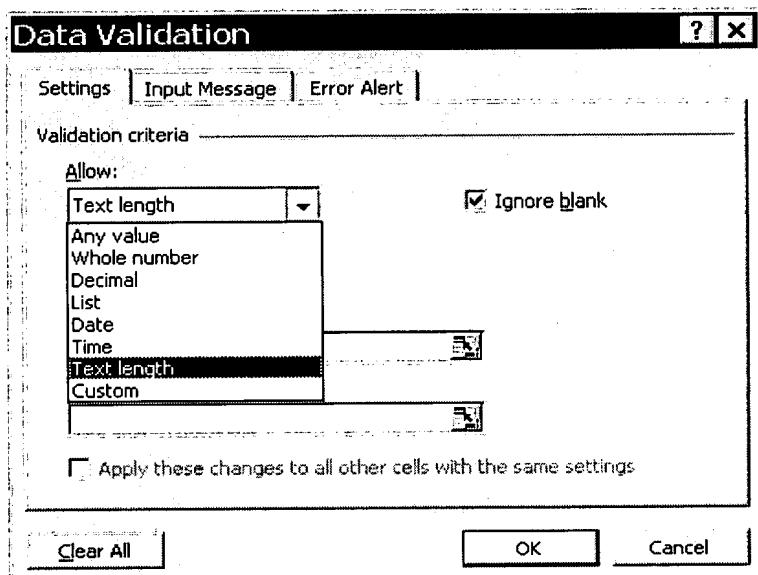
By using Microsoft Excel 2000, the set of data in CSV or Excel format can be validated to remove errors associated with the information, wherein feedback in the form of alert is offered upon recognizing the errors by selecting "VALIDATION" under "DATA" in the toolbar and defining data constraints.



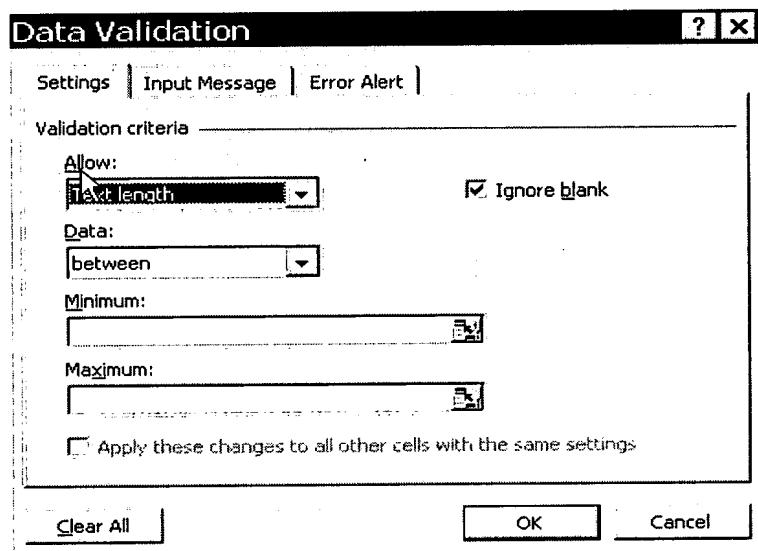
Screen shot 1



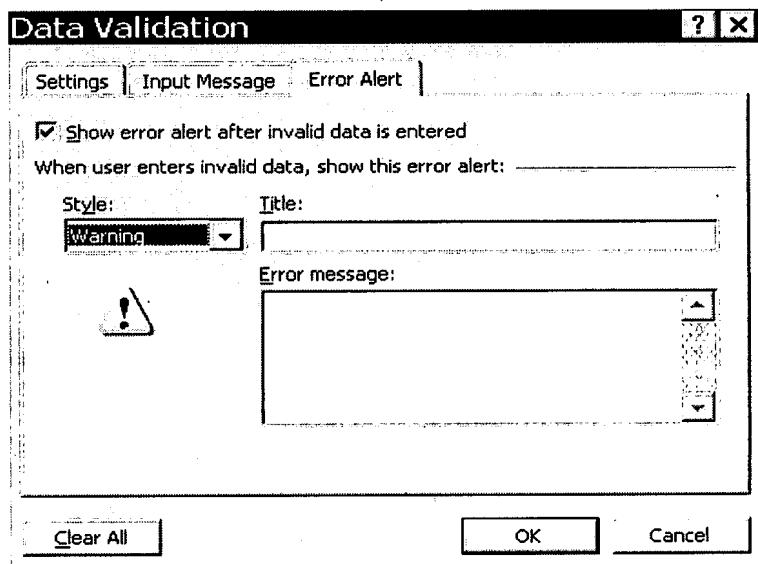
Screen shot 2



Screen shot 3



Screen shot 4



Screen shot 5

It would have been obvious for one of ordinary skill in the art at the time the invention was made to use the Microsoft Excel 2000 for generating and validating cable data in order to generate an alert when cable data is too large to fit within the size of a label.

Regarding claim 2, Brady, Applicant Admitted Prior Art and Microsoft Excel 2000, in combination, teach all of the claimed subject matter as discussed above with respect to claim 1, Brady further discloses *the search criteria include at least a first search parameter; and a second search parameter* (Brady, Page 90).

Regarding claim 3, Brady, Applicant Admitted Prior Art and Microsoft Excel 2000, in combination, teach all of the claimed subject matter as discussed above with respect to claim 2, by including cable data as discussed above, the illustration at page 89 discloses *the cable-label records include content that is to be printed on the cable-label records*.

Regarding claim 4, Brady, Applicant Admitted Prior Art and Microsoft Excel 2000, in combination, teach all of the claimed subject matter as discussed above with respect to claim 3, Brady further discloses *said content includes a plurality of identifiers indicating one of: a cable type, a number of runs, a racks description, racks location information, an equipment description, an equipment designation, a termination type and/or a textual note notes* (Brady, Page 53).

Regarding claim 5, Brady, Applicant Admitted Prior Art and Microsoft Excel 2000, in combination, teach all of the claimed subject matter as discussed above with respect to claim 3, Brady further discloses the step of *assembling a query from the first and second search parameters* (Brady, Page 90).

Regarding claim 6, Brady, Applicant Admitted Prior Art and Microsoft Excel 2000, in combination, teach all of the claimed subject matter as discussed above with respect to claim 5, Brady further discloses the step of *searching the storage component against the assembled query for records matching the search criteria and returning the matching records* (Brady, Page 90).

Regarding claim 7, Brady, Applicant Admitted Prior Art and Microsoft Excel 2000, in combination, teach all of the claimed subject matter as discussed above with respect to claim 5, Brady further discloses *the data stream includes an output file* (Brady, Page 89).

Regarding claim 8, Brady, Applicant Admitted Prior Art and Microsoft Excel 2000, in combination, teach all of the claimed subject matter as discussed above with respect to claim 1, Brady further discloses *the prescribed format includes at least one selection from the following: a binary file; an ASCII file; and a text file, including a delimiter* (Brady, Page 89).

Regarding claim 10, Brady, Applicant Admitted Prior Art and Microsoft Excel 2000, in combination, teach all of the claimed subject matter as discussed above with respect to claim 9, Brady further discloses the step of *receiving indicia related to one or more cable-label records and storing the indicia in the storage component* (Brady, Page 53).

Regarding claim 11, Brady, Applicant Admitted Prior Art and Microsoft Excel 2000, in combination, teach all of the claimed subject matter as discussed above with respect to claim 9, Brady further discloses *indicia includes a plurality of fields indicating one of: a cable type, a number of runs, a racks description, racks location information, an equipment description, an equipment designation, a termination type and/or a textual note* (Brady, Page 53).

Regarding claim 12, Brady, Applicant Admitted Prior Art and Microsoft Excel 2000, in combination, teach all of the claimed subject matter as discussed above with respect to claim 11, Brady further discloses *the search criteria include at least a first search parameter; and a second search parameter* (Brady, Page 90).

Regarding claim 13, Brady, Applicant Admitted Prior Art and Microsoft Excel 2000, in combination, teach all of the claimed subject matter as discussed above with respect to claim 12, Brady further discloses the step of *assembling a query from the first and second search parameters* (Brady, Page 90).

Regarding claim 14, Brady, Applicant Admitted Prior Art and Microsoft Excel 2000, in combination, teach all of the claimed subject matter as discussed above with respect to claim

13, Brady further discloses the step of *searching the storage component against the assembled query for records matching the search criteria and returning the matching records* (Brady, Page 90).

Regarding claim 16, Brady, Applicant Admitted Prior Art and Microsoft Excel 2000, in combination, teach all of the claimed subject matter as discussed above with respect to claim 15, Brady further discloses *the prescribed format includes at least one selection from the following: an ASCII file; and a delimited text file* (Brady, Page 89).

Regarding claim 17, Brady, Applicant Admitted Prior Art and Microsoft Excel 2000, in combination, teach all of the claimed subject matter as discussed above with respect to claim 16, Brady further discloses *the query result comprises all cable-label records that match the search criteria* (Brady, Page 90).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUNG Q. PHAM whose telephone number is 571-272-4040. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, TIM T. VO can be reached on 571-272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



HUNG Q PHAM
Primary Examiner
Art Unit 2168

May 22, 2007